

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-327

Jack Radetsky,)
Appellant,)
)
v.)
)
Town of Sunderland and Sharon L.)
White,)
Appellees)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant asks the Board to grant a variance from 105 CMR 410.480(c)² of Chapter II of the State Sanitary Code for a property located at 11 Plumtree Road, Unit 2, Sunderland, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on November 21, where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se. There was no representative present from the Town of Sunderland Board of Health. There was no representative present from the Town of Sunderland Fire Department.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

² 105 CMR 410 is not within 780 CMR but because said rules are pertinent to building construction and design or maintenance it is enforced by 780 CMR.

Discussion


A motion was made to Grant the Appellant's request for a variance from 105 CMR 410.480(c) of Chapter II of the State Sanitary Code because the structure is in a rural area; the doors are equipped with an automatic locking device; all common areas (ie: stairwells, hallways, entryways and adjacent parking areas) are equipped with security lighting; all occupants have clear window visibility of the exterior of the main entry doors and the Town of Sunderland Board of Health has submitted a letter to the Board expressing its support of the Appellants request for a variance from 105 CMR 410.480(c). Motion carried 3-0.

Conclusion

The Appellant's request for variance from 105 CMR 410.480(c) Chapter II of the State Sanitary Code is hereby **GRANTED**.

SO ORDERED.


HARRY SMITH


ALEXANDER MACLEOD


KEITH HOYLE

DATED: January 11, 2007

** In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*